

Magistrate Judge Theiler

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WELDON MARC GILBERT,

Defendant.

MAGISTRATE'S DOCKET

CASE NO. M 307-5225

COMPLAINT for VIOLATION

Title 18, United States Code,
Sections 2251(a) and (e)

BEFORE MARY ALICE THEILER, United States Magistrate Judge, Seattle,
Washington.

The undersigned complainant being duly sworn states:

COUNT ONE

(Sexual Exploitation of Children - Production of Child Pornography)

Beginning in or about 2001, and continuing through, on or about October 31,
2007, at Pierce County, in the Western District of Washington, and elsewhere, WELDON
MARC GILBERT, did knowingly and intentionally use, employ, persuade, induce, entice
and coerce a person under the age of eighteen to engage in sexually explicit conduct for
the purpose of producing visual depictions of such conduct, such visual depictions having
been produced using materials that were mailed, shipped and transported in interstate and
foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and (e).

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1 The undersigned complainant states that this complaint is based on the following
2 information:

3 1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I
4 have been employed with the FBI since 1998, and am currently assigned to the Tacoma
5 Resident Agency. Before joining the FBI, I served for four years in the US Army as an
6 intelligence analyst. As an FBI agent, I have been trained in a wide variety of
7 investigative techniques and procedures, as well as aspects of counterintelligence, white
8 collar crime, violent crime, and crimes against children. As part of my duties, I
9 investigate criminal violations relating to child exploitation and child pornography,
10 including violations pertaining to the illegal production, distribution, receipt, and
11 possession of child pornography, in all forms of media, including computer media, in
12 violation of Title 18, United States Code, Sections 2251, 2252(a), 2252A, and 2256, in all
13 forms of media, including computer media.

14 2. This affidavit sets forth probable cause to believe that WELDON MARC
15 GILBERT violated Title 18, United States Code, Section 2251, which criminalizes, *inter*
16 *alia*, the production of child pornography using materials shipped in interstate and
17 foreign commerce. The information in this Affidavit is based on my personal knowledge
18 and on information provided to me by other law enforcement officers. I have set forth
19 only the facts that I believe are necessary to establish probable cause.

20 3. On October 30, 2007, two brothers -- A.K. and V.K. -- came to the Seattle
21 FBI office to report that their brothers, John Doe 1, currently age 13, and John Doe 2,
22 currently age 18, had both been sexually molested by, and photographed while being
23 sexually molested by WELDON MARC GILBERT, while they were under 18 years of
24 age. A.K. and V.K. stated that John Doe 2 told them that the sexual abuse had occurred
25 consistently for many years, beginning when John Doe 2 was 12 years of age. A.K. and
26 V.K. further stated that GILBERT has been a friend of their family for years, and that
27 John Doe 2 had been living with GILBERT until the previous weekend.
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1 4. John Doe 2 told his brothers that GILBERT has a special darkroom in his
2 home in Pierce County, Washington, where GILBERT molests, ties up, and spanks
3 children for sexual purposes. John Doe 2 also stated that there is a special switch in the
4 room that turns off the lights and turns on a camera. A.K. and V.K. told me that John
5 Doe 2 took some of the videotapes depicting John Doe 1 and John Doe 2 from
6 GILBERT's home and hid them.

7 5. On October 30, 2007, A.K. and V.K. brought a videotape of their brothers
8 being molested to Detective Sergeant Teresa Burg of the Pierce County Sheriff's
9 Department. Detective Burg viewed the video, which shows GILBERT, at various times,
10 rubbing John Doe 1 and John Doe 2 on their genitals with his hands. The video also
11 shows GILBERT, at various times, spanking John Doe 1 and John Doe 2, becoming
12 aroused by the spanking, and masturbating himself on camera.

13 6. Detective Burg interviewed John Doe 1 and John Doe 2. Both boys told
14 Detective Burg that GILBERT had touched their genitals with his hands and with his
15 mouth. They told her that GILBERT often filmed this sexual abuse using the cameras
16 that were currently set up in the house. John Doe 2 told the detective that the abuse began
17 when he was 12 years of age, and had continued until very recently.

18 7. After viewing the videotape and interviewing A.K. and V.K., Detective
19 Burg applied for and obtained a search warrant, issued by a Pierce County Superior Court
20 Judge. The warrant authorized Pierce County detectives to search GILBERT's Pierce
21 County residence, located at 2901 211th Avenue East, in Sumner, Washington, for
22 evidence of Child Molestation, Rape of a Child, and Sexual Exploitation of a Minor.
23 Pierce County detectives executed the search warrant on October 31, 2007.

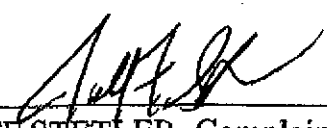
24 8. On October 31, 2007, I spoke with Detective Burg, who informed me that
25 numerous videos, a computer tower, four hard drives, and at least two video cameras and
26 other physical evidence were seized as a result of the search warrant. According to John
27 Doe 1 and John Doe 2, these were the same video cameras used to videotape them having
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1 sex with the GILBERT. These cameras were manufactured by Sony in Japan. Because
2 of their manufacturing location, the video cameras traveled in interstate commerce before
3 arriving in Pierce County, Washington.

4 9. According to Detective Burg, the videos she has viewed, that were seized
5 pursuant to the warrant, clearly depict GILBERT, at various times, molesting John Doe 1
6 and John Doe 2. Specifically, the videotapes show GILBERT, identified by officers from
7 his driver's license photograph, in a room with one of the two underage children.
8 Detective Burg can identify all three participants in the videos as John Doe 1, John 2 and
9 GILBERT. The penises of the children are exposed as GILBERT rubs them. GILBERT
10 also rubs each boy's bottom, and spansks them.

11 10. In addition, the search of GILBERT's home resulted in the seizure of
12 several videotapes depicting GILBERT sexually touching John Doe 2. The videotapes
13 show John Doe 2 at various ages, beginning when he appears to be approximately 12
14 years-old and ending when he appears to be approximately 17 or 18 years-old. In the
15 videotapes, GILBERT touches John Doe 2's penis with his hands and mouth. GILBERT
16 spansks John Doe 2 in a manner that sexually arouses GILBERT, and he masturbates on
17 the videotapes. Moreover, detectives found videotapes containing images of
18 approximately 20 additional boys who appear to be minors engaging in sexual explicit
19 conduct with GILBERT.

20 11. Based on the foregoing, I respectfully submit that there is probable cause to
21 believe that in Pierce County, within the Western District of Washington, WELDON
22 MARC GILBERT did intentionally sexually exploit minors to produce child pornography
23 in violation of Title 18, United States Code, Sections 2251(a) and (e).
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27 JEFF STETLER, Complainant
28 Special Agent, Federal Bureau of
Investigation

1 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
2 presence, the Court hereby finds that there is probable cause to believe the WELDON
3 MARC GILBERT committed the offenses set forth in the Complaint.

4 DATED this 10 day of November, 2007.

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8 MARY ALICE THEILER
9 United States Magistrate Judge
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